- 3. That the property called the Shorter property was conveyed by deed, from Rufus B. Shorter and wife to Marion I. Winkel, dated in the year 1924, but not recorded. It being the same property conveyed to said Rufus B. Shorter and wife by deed from John J. Topper and others, dated December 18, 1920, and recorded in Liber 333, at folio 576, &c. one of the land records of Frederick County; the same being located on the north side of West Patrick Street, in Frederick City adjoining a lot of land belonging to Mrs. Winkel, on the west and the property of the heirs of Daniel and Virginia Roelkey, on the east, fronting on west Patrick street $92\frac{1}{2}$ feet, more or less, and running back for depth on the east side thereof 194 3/4 feet, more or less, and on the west side 220 feet, more or less, with a width in in the rear of $40\frac{1}{2}$ feet, more or less; a more particular description by metes and bounds being contained in the accompanying Exhibit, marked "EXHIBIT 1", to this petion, and prayed to be taken and considered a part hereof.
- 4. That although the complainant has obstinately refused to execute a deed to the petitioner for the property in question, yet your petitioner has been paying his wife for a long time past the sum of \$25. weekly, on condition that she discontinue a filling station which she undertook to operate next to the property occupied by petitioner, on her own property; not because of any real competition with petitioner, but to keep his wife off the street attending to the filling station on her own property, apparently out of spiteful opposition to the petitioner against whom she seems to hold great animosity; and your petitioner has continued to pay the above mentioned sum although due to the depressed state of business in all lines and especially in his line, and to severe illness he has recently suffered, he is hard put to to raise the money.
- 5. That the attitude of the complainant toward the decree of the court is shown by the fact that although she was cited to appear before the court and show cause why she should not be punished as for contempt in refusing to comply with such decree, yet when she appeared she still refused to comply, and because he did not wish to have his wife committed to jail for such contempt, the husband requested that she be not committed and she was allowed to return to her home unpunished for the contempt.
- 6. That by Article 16, sec. 98, of the Code of Public General Laws, it is provided, as follows:-

"in all cases where the court shall decree that a deed of any kind shall be executed, a trustee to execute the deed may be appointed, and until such trustee shall execute the deed, the decree itself, if passed in the county where the land lies, shall have the same effect that the deed would, if executed, **e*** "

and it may be that under this statute or provision of the code, title to the property in question is vested in your complainant, and yet there may be doubt about such provision of the code having that effect, and your petitioner does not have a clear, unambiguous, unquestionable and marketable title, so that he is seriously embarrassed in maintaining his rights, and in borrowing money wherewith to conduct his business, and would have serious embarrassment and difficulty in case he undertook to sell the property in question, and that the bank with which he deals mostly, is not satisfied withhis title and he is greatly handicapped and injured because his title in a legal sense, and perhaps in a court of law, is clouded and incomplete, and imperfect.

Your petitioner therefore prays your Honors to appoint a trustee in place and in lieu of the said Marion I. Winkel, to execute a deed for the Rufus B. Shorter property as mentioned and described in the aforegoing petition, to your petitioner in fee, in accordance with the decree of court of date May 23, 1925.

2. That your honors will decide the question of future alimony or separate maintenance in view of all the circumstances of the case as set forth in the aforeging petition.